

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS - EASTERN DIVISION**

Pablo L. Hizole)	
A 95 918 752)	
)	
Plaintiff,)	
)	
v.)	Judge Leinenweber
)	
Michael Chertoff, Secretary of)	Case No. 08 CV 1573
U.S. Department of Homeland Security;)	
Donald Ferguson, United States Citizenship)	
& Immigration Service, Chicago District Director;)	
Michael B. Mukasey, U.S. Attorney General;)	
Emilio Gonzalez, Director of the United States)	
Citizenship & Immigration Services;)	
and the United States of America.)	
)	
Defendants.)	

MOTION TO DISMISS COMPLAINT FOR WRIT OF MANDAMUS

NOW COMES the Plaintiff Pablo L. Hizole ("Pablo"), by and through his attorneys, the AzulaySeiden, Law Group, and requests this Court to dismiss the pending action for the following reasons:

1. On March 18 26, 2008, Pablo filed a Complaint for Writ of Mandamus with this court alleging that Defendants had not conformed to their duty to compel action on Pablo's Application for Lawful Permanent Resident Status ("Form I-485") and Application for Waiver of Ground of Excludability ("Form I-601"), which were properly filed with the United States Citizenship and Immigration Services ("USCIS").
2. Since that date, the USCIS has acted on the case by approving Pablo's applications. See *Exhibit 1*.
3. That the underlying reason for filing the Complaint for Writ of Mandamus is now moot.

WHEREFORE, Pablo requests that the Complaint for Writ of Mandamus filed in this matter be dismissed.

Respectfully submitted,

s/REBECCA M. WHITING

Rebecca M. Whiting

Attorney for Plaintiff

AzulaySeiden Law Group

205 N. Michigan Ave., 40th Floor

Chicago, IL 60601

312.832.9200

#6294076

NOTICE OF FILING & CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE that on April 8, 2008, Pablo filed with the District Court for the Northern District of Illinois his Motion to Dismiss. Service on the following was accomplished via electronic filing on April 8, 2008:

Stacy Desi, AUSA
Attorney for Defendants
Asst. United States Attorney
219 S. Dearborn, 5th Floor
Chicago, IL 60604

s/REBECCA M. WHITING
Rebecca M. Whiting
Attorney for Plaintiff
AzulaySeiden Law Group
205 N. Michigan Ave., 40th Floor
Chicago, IL 60601
312.832.9200
#6294076

U.S. Department of Homeland Security
101 W. Congress Parkway
Chicago, IL 60605



U.S. Citizenship
and Immigration
Services

April 2, 2008

Pablo Hizole
2124 76th Court
Elmwood Park, Illinois 60707

A: 095 918 752
Approval Date: April 2, 2008
Adj. Class: IR6

Cc: Y. Judd Azulay
Azulay Seiden Law Group
205 N. Michigan Avenue 40th Floor
Chicago, Illinois 60601

Dear Sir or Madam:

Please be advised that you have been granted permanent resident alien status as of April 2, 2008. This letter should not be regarded as proof of that status. You are being processed for an alien registration card, which will be mailed to you at the above address within the next few weeks. If you move from that address prior to receiving the card, please notify this office by mail of your new address. If you require proof of your status in order to travel, accept employment or other reason, you may come to our office at 101 W. Congress Parkway, Chicago, Illinois for a temporary stamp. To schedule an appointment, visit our website at <http://infopass.uscis.gov/>. Bring this letter and your passport with you.

Sincerely,

A handwritten signature in cursive script, reading "Ruth A. Dorochoff".

Ruth A. Dorochoff
District Director